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Attorney for Defendants  
 Municipality of Anchorage  
 Andrew Cottle  
 Gregory Witte  
 Kenneth McCoy

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF ALASKA

PATRICK L. SHORTY	)
	)
Plaintiff,	)
	)
vs.	)
	)
MUNICIPALITY OF ANCHORAGE, OFFICER	)
ANDREW COTTLE, INDIVIDUALLY AND IN	)
HIS CAPACITY AS AN ANCHORAGE POLICE	)
OFFICER, OFFICER WITTE, INDIVIDUALLY	)
AND IN HIS CAPACITY AS AN ANCHORAGE	)
POLICE OFFICER, KENNETH D. MCCOY,	)
INDIVIDUALLY AND IN HIS CAPACITY AS	)
AN ANCHORAGE POLICE OFFICER	)
	)
Defendants.	)
	)

Case No. 3:05-cv-00237-TMB

**NOTICE TO THE COURT THAT THE NINTH CIRCUIT HAS  
 RESOLVED THE APPEAL AND REQUEST TO SET BRIEFING DEADLINES  
 FOR MOTION AT DOCKET 50**

Come now the Defendants, Municipality of Anchorage, Officer Andrew Cottle, Officer Gregory Witte and Officer Kenneth D. McCoy ("Municipal Defendants"), by and

through counsel, the Anchorage Municipal Attorney, and file Notice with the court that their Motion for Summary judgment filed at **Docket 50** on December 20, 2006 requires deadlines to be re-set.

On December 20, 2006, the Defendants filed a motion with this court for Summary Judgment. Docket 50. The court provided Plaintiff Patrick Shorty additional time in which to respond to the motion. Docket 55. Plaintiff did not file a responsive pleading but submitted a request which the court determined to be an interlocutory appeal. Docket 60. The Ninth Circuit rejected the appeal and recently denied Mr. Shorty's motion for reconsideration. Exhibit 1.

The Defendants respectfully request this court to issue a ruling providing Mr. Shorty a reasonable period of time to respond to the Motion for Summary Judgment, and if he fails to do so to consider the summary judgment motion ripe and to issue a ruling on the Defendants' motion.

DATED this 22<sup>nd</sup> day of January, 2008.

JAMES N. REEVES  
MUNICIPAL ATTORNEY

/s/ Elizabeth D. Friedman  
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The undersigned hereby certifies that on 01/22/08 a true and correct copy of the *Defendants' Notice to the Court that Motion at Docket 50 is Ripe for Ruling* was served on:

Patrick L. Shorty,  
Red Rock Correctional Center  
1752 East Arica Road  
Eloy, AZ 85231

by first class regular mail, if noted above, or by electronic means through the ECF system as indicated on the Notice of Electronic Filing.

s/ Cathi Russell  
Cathi Russell, Legal Secretary  
Municipal Attorney's Office